

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and the remarks made herein.

Claims 1-6 and 9-16 are pending. Claims 1-6, 9-12, 14 and 15 stand rejected. Claims 13 and 16 are objected to. Claims 1, 9, 10 and 15 have been amended. Claims 12-14 and 16 have been cancelled. Claims 17-21 have been added.

Claims 1 and 15 stand rejected under 35 USC §112, first paragraph as failing to comply with the written description.

Applicant respectfully disagrees with the examiner. However in the interest of advancing the prosecution of this matter claims 1 and 15 have been amended to remove the term "backward" from the claim language. Applicant believes that there is sufficient disclosure in the specification to show that the system claimed is compatible with a television system. (e.g., see Figure 1 and at least page 4, lines 19, which state, in part, "Figure 1 is a schematic representation of a system embodying the present invention.... A signal comprising the television signal with the superimposed information is then passed to the television apparatus 40 for display."

Accordingly, applicant submits that the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claim 9 is rejected under 35 USC §102(e) as being anticipated by Butler (US20020007493A1).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claim. However, in the interest of advancing the prosecution of this matter, claim 9 has been amended to more clearly state the invention. More specifically, claim 9 has been amended to recite that a mixing unit is used to apply the chroma-keying to the received broadcast signal to produce an enhanced television signal. No new matter has been entered. Support for the amendment may be found in Figure 1 and on at least page 4, lines 12-17, which state "mixer system 50 intercepts television signals

passed from the set top box 50 to the television apparatus 40 and superimposes supplementary information received from a source 60 ... in the masked areas defined by the broadcaster."

In contrast, Butler teaches a video broadcast system that broadcasts a video stream and provides accompanying supplemental data files. A receiver is configured to receive the video stream and accompanying supplemental data files and to display the hyperlink data files in conjunction with the video stream. However, Butler fails to disclose a mixing unit to intercept the television signal and superimpose supplementary information in masked areas, as is recited in the amended claim 9.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Butler cannot be said to anticipate the present invention, because Butler fails to disclose each and every element recited.

Accordingly, applicant submits that the reason for the rejection has been overcome and respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claim 11, this claim recites an apparatus that implements the method recited in independent claim 9, and is therefore believed patentable for the same reasons.

Accordingly, applicant submits that the reason for the rejection has been overcome and respectfully requests withdrawal of the rejection and allowance of the claim.

Claim 1-6, 10, 12, 14 and 15 stand rejected under 35 USC §103(a) as being unpatentable over Butler in view of Matthews (USP no. 6,631,523) and MacInnes (USP no. 6,700,588).

Applicant respectfully disagrees with the examiner. However, in the interest of advancing this matter, has amended the independent claims 1 and 15 to more clearly state the invention. More specifically, claims 1 and 15 have been amended to recite a mixer that intercepts and supplements the received broadcast signal with the enhanced signal. No new matter has been added. Support for the amendments may be found in dependent claims 12, 13 and 16, which have been cancelled.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

As noted above, Butler fails to recite a mixer for intercepting and supplementing the received broadcast signal with an enhanced signal.

Both Matthews and MacInnis are silent with regard to a mixer for intercepting and supplementing the received broadcast signal with an enhanced signal. Hence, the combination of Butler, Matthews and MacInnis would not render obvious the invention recited in the independent claims 1 and 15, as the combined device would not include all the elements recited in therein.

Accordingly, applicant submits that the reason for the rejection has been overcome and respectfully requests withdrawal of the rejection and allowance of claims 1 and 15.

With regard to the claims that dependent from independent claims 1 and 15, applicant submits that these claims are also allowable by virtue of their dependency from an allowable base claim. Withdrawal of the rejection and allowance of these claims is respectfully requested.

New claims 17-21 have been added recite a mixing unit for intercepting and superimposing upon a broadcast signal an enhancement signal to pass the superimposed signal to a television set. No new matter has been added. Support for the claims may be found on page 5, lines 1-4, which state, "the mixer system 50 serves ... to intercept television signals from the set-top box, superimpose the supplementary information from source 60 and pass the combined signal to the television apparatus 40."


Although the last Office Action was made final, this amendment should be entered. The claims have been amended to more clearly state the subject matter being claimed. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments

should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,
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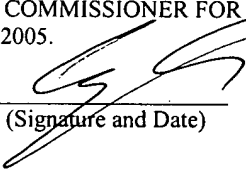

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